

REMARKS

Claims 1-20 are currently pending in the subject application. Claims 5-14 and 16 are withdrawn from consideration. Claims 1, 3 and 17 are independent.

A. Asserted Anticipation Rejection of Claims 1-4, 15 and 17-20

In the outstanding Office action, claims 1-4, 15 and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,891,822 to Gubbi et al. ("the Gubbi et al. reference"). This rejection is respectfully traversed for at least the reasons set forth below.

All of the independent claims essentially recite, in part, calculating the multimedia data generation rate based on transmission buffer state information and multimedia data loss rate. While the Gubbi et al. reference may disclose controlling a data generation rate based on buffer state information, the Gubbi et al. reference fails to disclose or suggest controlling the data generation rate based on the multimedia data loss rate, as recited in the independent claims.

In particular, in the Gubbi et al. reference, detection that audio packets have been lost may result in request for retransmission, which may be performed if bandwidth is available and latency limits are acceptable.¹ Thus, in the Gubbi et al. reference, only the buffer state information is used to control a data generation rate.² While the Gubbi et al. reference may disclose compensating for packet loss, this is not the same as calculating the multimedia data generation rate based on the multimedia data loss rate, as recited in the independent claims. Further, while the variable length compression mechanism in the Gubbi et al. reference may be used to retransmit lost video packets,³ this mechanism does not calculate the multimedia data generation rate based on the multimedia data loss rate, as recited in the independent claims.

Thus, there is no disclosure or suggestion in the Gubbi et al. reference that the transmission rate is changed as a result of detected packet loss. In contrast, in accordance with embodiments and as recited in the independent claims, the multimedia data generation

¹ The Gubbi et al. reference, col. 8, lines 11-18.

² *Id.*, col. 7, lines 50-58.

³ *Id.*, col. 8, lines 35-42.

rate is based on the transmission buffer state information **and** the multimedia data loss rate. As noted, for example, in paragraph [0042] of the original specification, this allows the multimedia data generation rate to be lowered when a large amount of data builds up in the transmission buffer **or** the multimedia data loss rate is high.

Therefore, it is respectfully submitted that the Gubbi et al. reference fails to disclose or suggest the subject matter recited in independent claims 1, 3, and 17. The remaining claims depend, either directly or indirectly, from respective ones of these independent claims, and are similarly believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

B. Conclusion

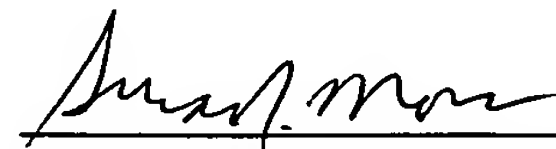
The above remarks demonstrate the failings of the applied reference, and are sufficient to overcome this reference. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

In view of the foregoing remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Respectfully submitted,

LEE & MORSE, P.C.



Susan S. Morse, Reg. No. 35,292

Date: July 29, 2008

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE, SUITE 500
FALLS CHURCH, VA 22042
703.207.0008 TEL
703.207.0003 FAX

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.